



DEPARTMENT OF THE ARMY
HEADQUARTERS, AREA II SUPPORT ACTIVITY
UNIT #15333
APO AP 96205-5333

REPLY TO
ATTENTION OF:

IMKO-AB-PL-LO

21 July 2005

COMMAND POLICY # 5-12

MEMORANDUM FOR ALL SECTIONS

SUBJECT: Area II Armed Forces Disciplinary Control Board

1. References:

- a. AR 190-24, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, dated 30 June 1993
- b. USFK Regulation 27-5, Individual Conduct and Appearance, dated 20 May 2004
- c. USFK 190-2, Off-Limits Area and Establishments, dated 7 May 2004
- d. USFK regulations 190-50, Law Enforcement Procedures in Korea, dated 12 June 1998

2. Purpose: To establish standard policies and procedures for the operation of the centralized Area II Armed Forces Disciplinary Control Board (AFDCB).

3. Applicability:

- a. This policy applies to all U.S. Armed Forces personnel assigned, attached to, visiting or residing in Area II.
- b. Supplementation by subordinate commanders is prohibited unless specifically approved by the Commander, Area II.

4. General: The Area II AFDCB is established by the Commander, Area II under the provisions of AR 190-24. The AFDCB will convene to :

- a. Advise and make recommendations to the Commander, Area II on matters concerning the elimination of crime, or other conditions which may negatively affect the discipline, health, safety, morals, welfare and/or morale of U.S. forces personnel and/or their families.
- b. Work with commanders to establish and maintain the highest degree of liaison and coordination between military and civilian officials.

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5. Membership:

a. Members of the Area II AFDCB will include the following individuals or their designated representative:

- (1) Commander, Area II – Appellate Authority
- (2) Deputy Garrison Commander, Area II – Board President
- (3) Staff Judge Advocate
- (4) Area II Provost Marshal
- (5) USACIDC
- (6) Safety Officer, Area II
- (7) Public Affairs Officer, Area II
- (8) Community Relations Officer, Area II
- (9) Staff Chaplin
- (10) Consumer Affairs Officer, Area II
- (11) 18th MEDCOM Commander
- (12) Environmental Health Officer, Area II
- (13) Alcohol/Drug Control Officer, Area II
- (14) Equal Opportunity Officer, Area II
- (15) Director of Support Activities, Area II
- (16) Law and Order Officer, Area II
- (17) Civilian Misconduct Officer – Recorder

b. Voting members will consist of, at the minimum, the Provost Marshal, Environmental Health Officer, Safety Officer, Alcohol/Drug Control Officer and Equal Opportunity Officer. The Board President will decide a tie vote by other voting members.

c. Area MACOM Commanders and their representatives are encouraged to participate in all AFDCB meetings.

6. Responsibilities:

a. Commanders:

- (1) Monitor local area and establishments for safety, health, and moral factors.
- (2) Work to resolve problems at the local level.
- (3) Report problems or concerns to the Provost Marshal.
- (4) In the event emergency off-limits actions are needed, immediately notify the Area II Provost Marshal.

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(5) Present reports of problems, allegations, and/or other issues at Board meetings as required.

b. President of the AFDCB

(1) The Area II Deputy Garrison Commander is appointed as President of the AFDCB and votes as a member of the Board in case of a deadlock. In the absence of the Deputy Garrison Commander, Area II, the Commander, Area II, will perform duties as President of the Board.

(2) The president will call and preside at all meetings of the Board. He will sign correspondence implementing directives and actions based on the minutes of the Board.

c. Provost Marshal:

(1) Receive notifications from Commanders and report to the Board President.

(2) Initiate independent investigation of complaints using assigned Military Police Investigators (MPI).

(3) Present reports of independent investigations by MPI to the Board.

(4) Enforce off-limits actions within Area II.

d. Staff Judge Advocate:

(1) Provide legal advice to the Board and the Board President.

(2) Provide legal reviews of all investigations and recommendations by the Board.

e. Community Relations Officer:

(1) Assist the Board and Area II Commander in resolving problems at the local level.

(2) Coordinate with Korean National Police, when necessary and deliver written notification of Board proceeding/decisions to the interested person in the community.

f. Public Affairs Officer:

(1) Provide support IAW AR 190-24, Appendix B, paragraph 11.

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(2) Use Command Information Outlets and publications to inform unit commanders and U.S. Armed forces personnel of those areas designated as off-limits.

g. Community Affairs Officer:

(1) Provide liaison between SOFA status personnel and local business community to resolve difference arising from business transactions occurring off-post at local business establishments.

(2) Report back to the Commander, Area II and AFDCB unresolved issues or unethical business practices that may warrant action by the Board.

h. Law and Order Officer:

(1) Serve as the Board Facilitator at the AFDCB.

(2) Review correspondence for the Board President's signature.

(3) Review an agenda for each regular meeting of the Board, and ensure each Board member is notified at least 7 days in advance of each regular meeting.

(4) Ensure timely notification to each board member for each emergency meeting.

(5) Review, publish and distribute the minutes of each meeting and maintain current records and files pertaining to the operations and actions of the Board.

i. Civilian Misconduct Officer:

(1) Serve as the Board Recorder at the AFDCB.

(2) Prepare correspondence for the Board President's signature.

(3) Prepare an agenda for each regular meeting of the Board, and notify each Board member at least 7 days in advance of each regular meeting.

(4) Make timely notification to each board member for each emergency meeting.

(5) Publish and distribute the minutes of each meeting and maintain current records and files pertaining to the operations and actions of the Board.

7. Procedures:

a. Meetings:

(1) Regular AFDCB meetings will be held once each quarter, or as designated by the President IAW AR 190-24, Appendix B, paragraph 2. It is within the discretion of the President to determine whether a meeting shall be closed or open to the public. Normally, proceedings are closed, but may be open to the public when circumstances warrant. Announcement of open meetings shall be made through the Seoul Word newspaper.

(2) Emergency or special meetings of the Board will be called by the President when he is advised of conditions that warrant consideration.

(3) Meetings will be announced to the Board Members through electronic mail (email) or telephone contact.

(4) Except by unanimous consent of members present, final action will be taken only on the business for which the regular or special meeting was called.

(5) All other actions of the Board will be determined by a majority of the voting members.

(6) Written minutes of Board meetings will be prepared. The minutes are an official record of the Board meetings, and will reflect the reasons for approving or removing an off-limits restriction. All Board actions shall be recorded in the minutes. Copies of the minutes will be distributed to each member of the Board, and to the commanders of military installations, within the Board's jurisdictional area.

b. Off-Limits Procedures/Board Notification:

(1) An off-limits area is defined in AR 190-24 as any vehicle, conveyance, place, structure, building, or area prohibited to military personnel to use, ride, visit or enter during the period in which it may be declared off-limits areas are subject to disciplinary action under Article 92, UCMJ.

(2) Upon receipt of a complaint and/or off-limits request, the Board President will initiate a thorough investigation of the area, conveyance, or establishment for which the sanction is requested.

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(3) Prior to initiating an off-limits action, an attempt to correct any condition or situation will be made through normal community relations channels. The responsible individual will be delivered a letter of notification written in Hangul and English detailing the conditions that concern the Board. The letter will further advise the owner of the establishment that off-limits sanctions may be imposed if conditions are not corrected. This letter will be hand delivered to the responsible individual by the Law & Order Officer & CRO.

(4) When attempts have failed to correct the unsatisfactory situation or conditions require other actions, the following steps will be taken.

(a) The President will have the Law & Order Officer & CRO hand deliver the written notice of the alleged adverse condition(s) to the responsible individual(s). This notice will offer a reasonable amount of time (normally 30 days) to correct the conditions(s) and provide the individual with or without counsel on a designated representative an opportunity to appear before the Board and present relevant information.

(b) The President will direct the appropriate staff agency to investigate the allegation against the establishment(s) or area(s). The results of this investigation will be issued to the board for review and action.

(c) If the responsible person(s) fail to reply, or if the subsequent investigation reveals a failure by the responsible person(s) to take appropriate corrective actions, the Board may recommend the imposition of the off-limits sanction to the Commander, Area II. The Commander, Area II will either approve or disapprove the recommendations. The President will have the Law & Order Officer & CRO hand deliver the letter to the responsible individual that his/her establishments placed off-limits will be kept under continual review by the Board. They will be inspected at least quarterly, and a statement that an inspection has been made will be included in the minutes of the Board.

(d) If the responsible individual(s) takes remedial action to correct the undesirable condition, the Board will deliver to him/her a letter of appreciation.

(e) An individual whose establishment or area has been placed off-limits may at any time, without invitation, petition in writing the President of the Board for removal of the off-limits sanction. The individual should provide in detail the action he/she has taken to eliminate the adverse conditions or situation necessitating the imposition of the sanction. In response to such petition, the President will direct the applicable staff section to investigate the establishment or areas under sanction and report the results to the Board.

(f) Off-limits signs may not be posted on private property.

c. Emergency Off-Limits Procedures:

(1) In accordance with AR 190-24, 2-7b, the area commander retains substantial discretion to declare establishments or area temporarily off-limits to personnel during emergency situations where conditions exist that are extremely harmful to Armed Forces personnel. Temporary off-limits declarations will be acted upon by the AFDCB on a priority basis.

(2) In an establishment or area that is declared off-limits under emergency circumstances, the AFDCB President will convene an emergency meeting of the AFDCB. All emergency off-limits actions must be reviewed by the AFDCB and validated or revoked as soon as possible. Detailed justification for the emergency action must be provided to the Board President for Board use.

8. Actions for Consideration by the AFDCB.

(a) Boards will study and take appropriate action in conjunction with all conditions detrimental to the good discipline, health, morals, welfare, safety and morale of Armed Forces personnel. This will include, but is not limited to the following:

(1) Crime and misconduct.

(2) Use, possession, or distribution of narcotics, marijuana, dangerous drugs, and drug use paraphernalia.

(3) Liquor violations.

(4) Excessive number of unauthorized absences.

(5) Gambling (when in violation of local or state laws).

(6) Military and civilian relationships that may be detrimental to service personnel.

(7) Unsanitary and other adverse conditions in establishments frequented by Armed Forces personnel.

(8) Off-installation/base safety problems.

(9) Unethical or illegal business practices.

(10) Prostitution and venereal disease.

(11) Discriminatory practices.

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(12) Other health hazards.

(a) Routine off-limits actions will be initiated when an establishment, organization, or areas has a high rate of venereal disease. A high rate of venereal disease is defined as:


(1) The occurrence of 4 cases of sexually transmitted disease (STD) in one month from contacts originating in an establishment with a seating capacity of more than 50 persons.

(2) The occurrence of 2 cases of STD in one month from contacts originating in an establishment with a seating capacity of 50 persons or less.

(3) The occurrence of 3 cases of STD in one month from contacts originating in a housing area/business district determined to be in use by the group of 2 or more street prostitutes.

(4) At any time where a case of HIV positive by or through a resident or employee of a housing/business district or location determined to be in use by a prostitute is confirmed.

9. Any questions regarding this policy should be addressed to the Commander, Area II Support Activity, Attn: Law & Order Office, 738-4361/4414.


RONALD C. STEPHENS
COL, SC
Commanding

DISTRIBUTION:

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